

General Assembly

Committee Bill No. 5001

January Session, 2023

LCO No. 5152



Referred to Committee on HUMAN SERVICES

Introduced by: (HS)

## AN ACT CONCERNING RESOURCES AND SUPPORT SERVICES FOR PERSONS WITH AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (Effective from passage) (a) The Secretary of the Office of
- Policy and Management, in consultation with the Labor Commissioner,
- 3 the Bureau of Rehabilitation Services and the Department of Economic
- 4 and Community Development, shall (1) analyze existing employment
- 5 assistance programs for persons with disabilities, including, but not
- 6 limited to, persons with intellectual or developmental disabilities, (2)
- 7 establish financial incentives for businesses to employ a greater number
- 8 of such persons, and (3) create a workforce plan that incentivizes
- 9 businesses to provide training programs, offer modified interviews and
- 10 reserve market-rate full-time jobs.
- 11 (b) The secretary shall file a report, in accordance with the provisions
- of chapter 54 of the general statutes, on the results of the evaluation and
- 13 recommendations not later than January 1, 2024, with the joint standing
- 14 committees of the General Assembly having cognizance of matters
- 15 relating to appropriations and the budgets of state agencies, commerce,

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16 finance, revenue and bonding, human services and labor.

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17 Sec. 2. (Effective from passage) (a) The Secretary of the Office of Policy 18 and Management, in consultation with the Commissioners of 19 Transportation, Aging and Disability Services and Developmental 20 Services, shall (1) review other states' best transportation practices for 21 persons with disabilities, (2) assess expansion opportunities for and 22 accessibility of state-wide and local transportation for such persons, and 23 (3) develop recommendations for ways the state can provide more cost-24 effective, efficient and reliable transportation for persons with 25 disabilities, including, but not limited to, persons with intellectual or 26 developmental disabilities.

- (b) The secretary shall file a report, in accordance with the provisions of chapter 54 of the general statutes, on the results of the review and recommendations not later than January 1, 2024, with the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, transportation, human services and public health.
- 33 Sec. 3. (Effective July 1, 2023) The Commissioner of Social Services, in 34 consultation with the Commissioner of Developmental Services and 35 within available appropriations, shall reduce the waiting lists for 36 services in Medicaid waiver programs established under section 1915(c) 37 of the Social Security Act and administered by the Department of 38 Developmental Services. Not later than January 1, 2024, the 39 Commissioner of Social Services shall file a report, in accordance with 40 the provisions of section 11-4a of the general statutes, on (1) the number 41 of persons who have been removed from the waiting lists and are 42 receiving home and community-based services, and (2) the number of 43 persons who remain on the waiting lists with the joint standing 44 committees of the General Assembly having cognizance of matters 45 relating to appropriations and the budgets of state agencies, human 46 services and public health.
  - Sec. 4. (NEW) (Effective from passage) (a) The Secretary of the Office of

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Policy and Management, in consultation with the Commissioners of Education, Social Services, Developmental Services, Aging and Disability Services and Public Health, shall develop and recommend new state statutory definitions for intellectual disabilities and developmental disabilities and identify related programs for persons with such disabilities that may need to be changed or redesignated in accordance with any new statutory definitions. The secretary shall also make recommendations concerning qualifying criteria for services, including the removal of consideration of a qualifying intelligence quotient.

(b) The Secretary of the Office of Policy and Management and the Commissioners of Education, Social Services, Developmental Services, Aging and Disability Services and Public Health shall solicit and take into account input from persons with intellectual or developmental disabilities, their families and caregivers in developing the recommendations.

- (c) Not later than January 1, 2024, the secretary shall file a report, in accordance with the provisions of section 11-4a of the general statutes, with recommendations on such statutory definitions, programs that may need to be redesignated in accordance with any new statutory definitions and qualifying criteria for services with the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, education, human services and public health. The report shall include a summary of the input obtained pursuant to subsection (b) of this section and how the input was incorporated into the recommendations.
- Sec. 5. (*Effective July 1, 2023*) The Commissioner of Social Services, in consultation with the Secretary of the Office of Policy and Management and within available appropriations, shall expand the Medicaid waiver program for persons with autism spectrum disorder to allow not less than six hundred persons on a waiting list to receive services under the program. Not later than January 1, 2024, the Commissioner of Social

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Services shall file a report, in accordance with the provisions of section 11-4a of the general statutes, on the waiver program expansion with recommendations to further reduce the waiting list with the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies and human services.

- Sec. 6. (NEW) (*Effective July 1, 2023*) (a) The Commissioner of Social Services shall increase the asset limits used to determine eligibility for HUSKY C, as defined in section 17b-290 of the general statutes, to three thousand six hundred dollars for an individual and five thousand four hundred dollars for a married couple.
- (b) The Commissioner of Social Services shall allow any person, whose income exceeds the income limits for HUSKY C but who otherwise qualifies, to qualify for the program by spending down such person's excess income over the HUSKY C income limits on incurred medical bills in accordance with 42 CFR 435.831.
- 96 Sec. 7. Section 17b-261 of the general statutes is repealed and the 97 following is substituted in lieu thereof (*Effective July 1, 2023*):
  - (a) Medical assistance shall be provided for any otherwise eligible person (1) whose income, including any available support from legally liable relatives and the income of the person's spouse or dependent child, is not more than [one hundred forty-three per cent, pending approval of a federal waiver applied for pursuant to subsection (e) of this section, of the benefit amount paid to a person with no income under the temporary family assistance program] one thousand four hundred sixty-five dollars per month, and (2) if such person is an institutionalized individual as defined in Section 1917 of the Social Security Act, 42 USC 1396p(h)(3), [and] such person has not made an assignment or transfer or other disposition of property for less than fair market value for the purpose of establishing eligibility for benefits or assistance under this section. Any such disposition shall be treated in accordance with Section 1917(c) of the Social Security Act, 42 USC

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1396p(c). Any disposition of property made on behalf of an applicant or recipient or the spouse of an applicant or recipient by a guardian, conservator, person authorized to make such disposition pursuant to a power of attorney or other person so authorized by law shall be attributed to such applicant, recipient or spouse. A disposition of property ordered by a court shall be evaluated in accordance with the standards applied to any other such disposition for the purpose of determining eligibility. [The commissioner shall establish the standards for eligibility for medical assistance at one hundred forty-three per cent of the benefit amount paid to a household of equal size with no income under the temporary family assistance program.] In determining eligibility, the commissioner shall not consider as income Aid and Attendance pension benefits granted to a veteran, as defined in section 27-103, or the surviving spouse of such veteran. Except as provided in section 17b-277 and section 17b-292, the medical assistance program shall provide coverage to persons under the age of nineteen with household income up to one hundred ninety-six per cent of the federal poverty level without an asset limit and to persons under the age of nineteen, who qualify for coverage under Section 1931 of the Social Security Act, with household income not exceeding one hundred ninety-six per cent of the federal poverty level without an asset limit, and their parents and needy caretaker relatives, who qualify for coverage under Section 1931 of the Social Security Act, with household income not exceeding one hundred fifty-five per cent of the federal poverty level without an asset limit. Such levels shall be based on the regional differences in such benefit amount, if applicable, unless such levels based on regional differences are not in conformance with federal law. Any income in excess of the applicable amounts shall be applied as may be required by said federal law, and assistance shall be granted for the balance of the cost of authorized medical assistance. The Commissioner of Social Services shall provide applicants for assistance under this section, at the time of application, with a written statement advising them of (A) the effect of an assignment or transfer or other disposition of property on eligibility for benefits or assistance, (B) the

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effect that having income that exceeds the limits prescribed in this subsection will have with respect to program eligibility, and (C) the availability of, and eligibility for, services provided by the Connecticut Home Visiting System, established pursuant to section 17b-751b. For coverage dates on or after January 1, 2014, the department shall use the modified adjusted gross income financial eligibility rules set forth in Section 1902(e)(14) of the Social Security Act and the implementing regulations to determine eligibility for HUSKY A, HUSKY B and HUSKY D applicants, as defined in section 17b-290. Persons who are determined ineligible for assistance pursuant to this section shall be provided a written statement notifying such persons of their ineligibility and advising such persons of their potential eligibility for one of the other insurance affordability programs as defined in 42 CFR 435.4.

- (b) For the purposes of the Medicaid program, the Commissioner of Social Services shall consider parental income and resources as available to a child under eighteen years of age who is living with his or her parents and is blind or disabled for purposes of the Medicaid program, or to any other child under twenty-one years of age who is living with his or her parents.
- (c) For the purposes of determining eligibility for the Medicaid program, an available asset is one that is actually available to the applicant or one that the applicant has the legal right, authority or power to obtain or to have applied for the applicant's general or medical support. If the terms of a trust provide for the support of an applicant, the refusal of a trustee to make a distribution from the trust does not render the trust an unavailable asset. Notwithstanding the provisions of this subsection, the availability of funds in a trust or similar instrument funded in whole or in part by the applicant or the applicant's spouse shall be determined pursuant to the Omnibus Budget Reconciliation Act of 1993, 42 USC 1396p. The provisions of this subsection shall not apply to a special needs trust, as defined in 42 USC 1396p(d)(4)(A), as amended from time to time. For purposes of determining whether a beneficiary under a special needs trust, who has not received a disability

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determination from the Social Security Administration, is disabled, as defined in 42 USC 1382c(a)(3), the Commissioner of Social Services, or the commissioner's designee, shall independently make such determination. The commissioner shall not require such beneficiary to apply for Social Security disability benefits or obtain a disability determination from the Social Security Administration for purposes of determining whether the beneficiary is disabled.

- (d) The transfer of an asset in exchange for other valuable consideration shall be allowable to the extent the value of the other valuable consideration is equal to or greater than the value of the asset transferred.
- (e) The Commissioner of Social Services [shall seek a waiver from federal law to permit federal financial participation for Medicaid expenditures for families with incomes of one hundred forty-three per cent of the temporary family assistance program payment standard] may seek federal approval for a Medicaid waiver or a Medicaid state plan amendment to implement the provisions of this section.
- (f) To the extent [permitted by] <u>permissible under</u> federal law, Medicaid eligibility shall be extended for one year to a family that becomes ineligible for medical assistance under Section 1931 of the Social Security Act due to income from employment by one of its members who is a caretaker relative or due to receipt of child support income. A family receiving extended benefits on July 1, 2005, shall receive the balance of such extended benefits, provided no such family shall receive more than twelve additional months of such benefits.
- (g) An institutionalized spouse applying for Medicaid and having a spouse living in the community shall be required, to the maximum extent permitted by law, to divert income to such community spouse in order to raise the community spouse's income to the level of the minimum monthly needs allowance, as described in Section 1924 of the Social Security Act. Such diversion of income shall occur before the community spouse is allowed to retain assets in excess of the

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- 212 Social Security Act. The Commissioner of Social Services, pursuant to
- section 17b-10, may implement the provisions of this subsection while
- 214 in the process of adopting regulations, provided the commissioner
- 215 prints notice of intent to adopt the regulations in the Connecticut Law
- 216 Journal within twenty days of adopting such policy. Such policy shall
- 217 be valid until the time final regulations are effective.
- 218 (h) To the extent permissible under federal law, an institutionalized
- 219 individual, as defined in Section 1917 of the Social Security Act, 42 USC
- 220 1396p(h)(3), shall not be determined ineligible for Medicaid solely on
- 221 the basis of the cash value of a life insurance policy worth less than ten
- 222 thousand dollars provided the individual is pursuing the surrender of
- the policy.
- 224 (i) Medical assistance shall be provided, in accordance with the
- provisions of subsection (e) of section 17a-6, to any child under the
- supervision of the Commissioner of Children and Families who is not
- receiving Medicaid benefits, has not yet qualified for Medicaid benefits
- or is otherwise ineligible for such benefits. Medical assistance shall also
- 229 be provided to any child in the behavioral services program operated
- 230 by the Department of Developmental Services who is not receiving
- 231 Medicaid benefits, has not yet qualified for Medicaid benefits or is
- 232 otherwise ineligible for benefits. To the extent practicable, the
- 233 Commissioner of Children and Families and the Commissioner of
- Developmental Services shall apply for, or assist such child in qualifying
- 235 for, the Medicaid program.
- 236 (j) The Commissioner of Social Services shall provide Early and
- 237 Periodic Screening, Diagnostic and Treatment program services, as
- 238 required and defined as of December 31, 2005, by 42 USC 1396a(a)(43),
- 239 42 USC 1396d(r) and 42 USC 1396d(a)(4)(B) and applicable federal
- 240 regulations, to all persons who are under the age of twenty-one and
- 241 otherwise eligible for medical assistance under this section.
- 242 (k) A veteran, as defined in section 27-103, and any member of his or

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her family, who applies for or receives assistance under the Medicaid program, shall apply for all benefits for which he or she may be eligible through the United States Department of Veterans Affairs or the United States Department of Defense.

(l) On and after January 1, 2023, the Commissioner of Social Services shall, within available appropriations, provide state-funded medical assistance to any child twelve years of age and younger, regardless of immigration status, (1) whose household income does not exceed two hundred one per cent of the federal poverty level without an asset limit, and (2) who does not otherwise qualify for (A) Medicaid, (B) the Children's Health Insurance Program, or (C) an offer of affordable, employer-sponsored insurance, as defined in the Affordable Care Act, as an employee or a dependent of an employee. A child eligible for such assistance under this subsection shall continue to receive such assistance until such child is nineteen years of age, provided the child continues to meet the eligibility requirements prescribed in subdivisions (1) and (2) of this subsection.

Sec. 8. Subsection (a) of section 29-1f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(a) The clearinghouse established under section 29-1e shall collect, process, maintain and disseminate information to assist in the location of any missing person who (1) is eighteen years of age or older and has a mental impairment, [or] (2) is sixty-five years of age or older, or (3) has an intellectual or developmental disability, provided a missing person report prepared by the Department of Emergency Services and Public Protection has been filed by such missing person's relative, guardian, conservator or agent appointed by the missing person in accordance with sections 1-350 to 1-353b, inclusive, any health care representative appointed by the missing person in accordance with section 19a-576 or a nursing home administrator, as defined in section 19a-511, or, pursuant to section 17a-465b, by an employee of the Department of Mental Health and Addiction Services who is certified under the

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provisions of sections 7-294a to 7-294e, inclusive. Such relative, guardian, conservator, agent, health care representative, nursing home administrator or employee shall attest under penalty of perjury that the missing person (A) is eighteen years of age or older and has a mental impairment, [or] (B) is sixty-five years of age or older, or (C) has an intellectual or developmental disability. No other proof shall be required in order to verify that the missing person meets the criteria to be eligible for assistance under this subsection. Such relative, guardian, conservator, agent, health care representative, nursing home administrator or employee who files a missing person report shall immediately notify the clearinghouse or law enforcement agency if the missing person's location has been determined.

- Sec. 9. (*Effective July 1, 2023*) (a) For the purposes described in subsection (b) of this section, the State Bond Commission shall have the power from time to time to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding in the aggregate one million dollars.
- (b) The proceeds of the sale of such bonds, to the extent of the amount stated in subsection (a) of this section, shall be used by the Department of Emergency Services and Public Protection for the purpose of grants to be distributed to municipalities and local police departments to apply for and use to establish and implement a local voluntary registration system for residents with intellectual or developmental disabilities.
- (c) All provisions of section 3-20 of the general statutes, or the exercise of any right or power granted thereby, that are not inconsistent with the provisions of this section are hereby adopted and shall apply to all bonds authorized by the State Bond Commission pursuant to this section. Temporary notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in accordance with section 3-20 of the general statutes and from time to time renewed. Such bonds shall mature at such time or times not exceeding twenty years from their respective dates as may be provided

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in or pursuant to the resolution or resolutions of the State Bond Commission authorizing such bonds. None of such bonds shall be authorized except upon a finding by the State Bond Commission that there has been filed with it a request for such authorization that is signed by or on behalf of the Secretary of the Office of Policy and Management and states such terms and conditions as said commission, in its discretion, may require. Such bonds issued pursuant to this section shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of and interest on such bonds as the same become due, and accordingly and as part of the contract of the state with the holders of such bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made, and the State Treasurer shall pay such principal and interest as the same become due.

Sec. 10. (NEW) (Effective from passage) (a) The Commissioner of Developmental Services, in consultation with the Commissioner of Education, shall maintain, in a readily accessible format, data on (1) the estimated number of persons in the state with intellectual or developmental disabilities, (2) the number of such persons receiving services from the Department of Developmental Services or the Department of Education by programs administered by such departments, and (3) the number of such persons on waiting lists for Medicaid waiver programs administered by the Department of Developmental Services, by waiver program.

(b) Not later than December fifteenth annually, the Commissioner of Developmental Services shall file a report, in accordance with the provisions of section 11-4a of the general statutes, on the data collected pursuant to subsection (a) of this section with the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, human services and public health.

Sec. 11. (NEW) (Effective July 1, 2023) (a) The Labor Commissioner, in

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collaboration with the Chief Workforce Officer appointed pursuant to section 4-124w of the general statutes, the Commissioner of Education, the Bureau of Rehabilitation Services, the Governor's Workforce Council established pursuant to section 31-3h of the general statutes, and regional workforce development boards shall establish a Behavioral Health and Human Services Career Pipeline program to ensure a sufficient number of highly trained providers are available to serve the needs of persons in the state with intellectual, developmental or physical disabilities, mental illness or behavioral health conditions.

- (b) The Labor Commissioner shall consult with the Commissioners of Social Services, Developmental Services and Mental Health and Addiction Services to determine (1) the greatest needs for behavioral health and human services providers in programs they administer, and (2) barriers to hiring and retaining qualified providers. The Labor Commissioner shall assist local and regional boards of education in enhancing existing partnerships or establishing new partnerships with providers of behavioral health and human services and higher education institutions to provide a pathway to a diploma, credential, certificate or license and a job providing behavioral health or human services.
- (c) The Labor Commissioner, in collaboration with the Chief Workforce Officer appointed pursuant to section 4-124w of the general statutes, the Commissioner of Education, the Bureau of Rehabilitation Services, the Governor's Workforce Council established pursuant to section 31-3h of the general statutes, and regional workforce development boards, shall develop a strategic workforce plan that includes, but is not limited to, (1) a strategy to increase the number of state residents pursuing careers in behavioral health or human services, (2) salary and working conditions conducive to retaining an adequate number of behavioral health and human services providers to serve state residents, and (3) funding needed to support the Behavioral Health and Human Services Career Pipeline program. The Labor Commissioner shall submit a report on the plan, in accordance with the

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- 372 provisions of section 11-4a of the general statutes, not later than
- 373 November 1, 2023, with the joint standing committees of the General
- 374 Assembly having cognizance of matters relating to education, human
- 375 services, public health and labor.
- 376 Sec. 12. (NEW) (*Effective from passage*) (a) There is established a bill of
- 377 rights for persons with an intellectual disability or developmental
- 378 disability. The rights afforded in subsection (b) of this section are
- 379 available only insofar as they are implemented in accordance with other
- 380 parts of the general statutes, state rules and regulations, federal law, the
- 381 state Constitution and the United States Constitution. For purposes of
- 382 this section, "person with an intellectual disability" has the same
- 383 meaning as provided in section 1-1g of the general statutes and "person
- 384 with a developmental disability" has the same meaning as provided in
- 385 P.L. 106–402, as amended from time to time.
- 386 (b) Each person with an intellectual or developmental disability in
- 387 this state has the right to:
- 388 (1) Be treated in a humane and dignified manner at all times with full
- 389 respect to personal dignity and privacy;
- 390 (2) Participate in developing such person's service plan;
- 391 (3) Move freely in public spaces, including on public sidewalks, in
- 392 public parks, on public transportation and in public buildings, in
- 393 compliance with the Americans with Disabilities Act, as amended from
- 394 time to time;
- 395 (4) Have equal opportunities for employment;
- 396 (5) Access to medical and mental health care services;
- 397 (6) Equal treatment by state and municipal agencies and access to any 398
- services they provide;
- 399 (7) Give informed consent to treatment, medication and any medical

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- 402 behalf;
- 403 (8) Authorize an advocate to be such person's own representative;
- 404 (9) Request access to such person's own medical records in accordance with confidentiality laws; and
- 406 (10) Seek a remedy for violations of such person's rights in court.

This act shall take effect as follows and shall amend the following		
sections:		
Section 1	from passage	New section
Sec. 2	from passage	New section
Sec. 3	July 1, 2023	New section
Sec. 4	from passage	New section
Sec. 5	July 1, 2023	New section
Sec. 6	July 1, 2023	New section
Sec. 7	July 1, 2023	17b-261
Sec. 8	July 1, 2023	29-1f(a)
Sec. 9	July 1, 2023	New section
Sec. 10	from passage	New section
Sec. 11	July 1, 2023	New section
Sec. 12	from passage	New section

## Statement of Purpose:

To (1) evaluate and implement best practices for expanding employment and transportation opportunities for persons with an intellectual or developmental disability, (2) ameliorate waiting lists for Medicaid waiver program services for such persons, (3) establish an emergency services alert system to help locate such persons when they are reported missing, (4) provide funding for a voluntary registration system for such persons for public safety purposes, (5) increase income and asset limits for medical assistance for such persons, (6) evaluate changing a statutory definition associated with such persons and Intelligence Quotient criteria for such persons, (7) establish a career pipeline for behavioral health and human services positions to ensure

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an adequate number of providers to serve such persons, and (8) establish a bill of rights for such persons.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

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